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October 7, 2009

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band* (WT Docket No. 07-293) and *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band* (IB Docket No. 95-91)

NOTICE OF ORAL EX PARTE PRESENTATION

Dear Ms. Dortch:

I am writing pursuant to Section 1.1206(b)(2) of the Commission's Rules to notify the Commission that yesterday, Ron Olexa of Horizon Wi-Com, Mary O'Connor of Wilkinson Barker Knauer, and I met on behalf of the WCS Coalition with John Giusti, Legal Advisor to Commissioner Copps, to discuss the issues pending in the above-referenced proceedings regarding the coexistence of Satellite Digital Audio Radio Service terrestrial repeaters and Wireless Communications Service ("WCS") broadband systems in the 2305-2360 MHz band. The parties discussed that it has been ten months since the draft order resolving the above-referenced proceedings began circulating for Commission vote and it is time to bring these proceedings to conclusion. In addition, the WCS Coalition reiterated that the WCS spectrum could be deployed quickly to provide broadband services throughout the country. The WCS Coalition also distributed the attached documents during the meeting.

Pursuant to Sections 1.1206(b)(2) and 1.49(f) of the Commission's Rules, this letter is being filed electronically with the Commission via the Electronic Comment Filing System. Should you have any questions regarding this presentation, please contact the undersigned.

Respectfully submitted,

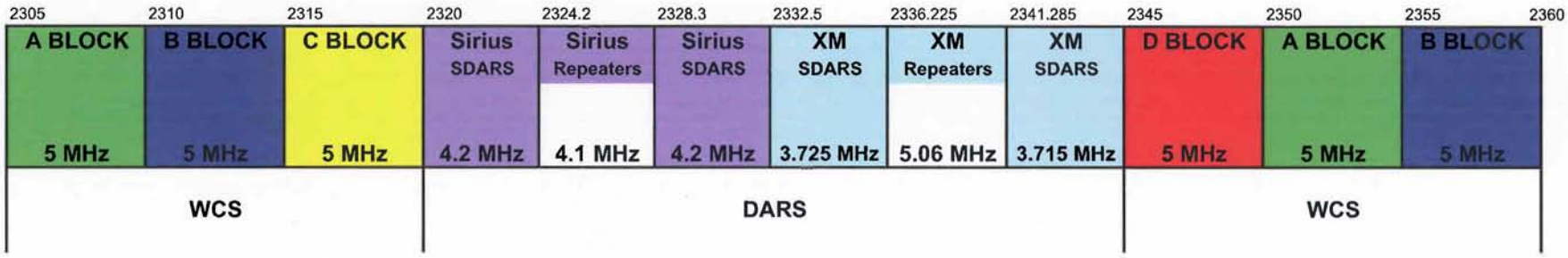
/s/ Paul J. Sinderbrand

Paul J. Sinderbrand
Counsel to the WCS Coalition

cc: John Giusti

Attachments

WCS/DARS BANDPLAN



WCS Compromise Spectral Mask

- Minimum OOBE attenuation for user stations subject to less restrictive mask:

  55 + 10 log (P) on first 4 MHz of DARS band
  61 + 10 log (P) on next 4 MHz of DARS band
  67 + 10 log (P) in center 9 MHz of DARS band

- Less restrictive mask only available for: (a) battery-operated user stations transmitting at no greater than 250 milliwatts average EIRP on A and B Blocks; (b) battery operated user stations transmitting at no greater than 50 milliwatts/1 MHz average EIRP between the 2315-2318 MHz and 2347-2350 MHz portions of the C and D Blocks; (c) battery operated user stations transmitting at no greater than 30 milliwatts/1 MHz average EIRP between the 2318-2320 MHz and 2345-2347 MHz portions of the C and D Blocks; and (d) AC-operated user stations transmitting at no greater than 2 Watts average transmitter output power.

- Less restrictive mask only available if device incorporates transmitter power control.

The Sun, The Moon And The Stars Must Align For Interference To Occur

The risk of OOBE interference from a WCS mobile to a DARS receiver is probabilistic

- Are WCS device and DARS receiver in close proximity?
- What service is the DARS receiver subscribed to?
- Is the DARS device receiving?
- Is DARS receiver served by terrestrial repeater?
- Is WCS device transmitting?
- What frequency block is WCS transmitting on?
- At what power is WCS device transmitting?
- Are there obstructions between transmitter and receiver?
- Are both devices stationary?
- Do WCS antenna and DARS antenna have high degree of mutual coupling?

Test #	WCS Frequency Block	SDARS Service		SDARS Device		Application Type			Positioning of WCS Device			WCS Device Tx Power		Results
		Sirius	XM	OEM	After-Market	High Bandwidth Upload	High Bandwidth Download	VoIP	Lap Height	Ear Height	Dashboard Height	Fixed EIRP +24 dBm	Variable EIRP with TPC	
	A-Block (Upper)	X		X		X			X			X		No muting
2		X			X			X		X		X		No muting
3			X		X	X			X			X		
4			X		X			X		X			X	
5			X		X		X				X	X		
6			X	X			X				X	X		
7			X	X		X			X				X	
8			X	X				X		X		X		
9	B-Block (Lower)		X	X				X		X		X		
10			X		X		X				X	X		
11		X			X	X			X			X		No muting
12		X			X			X		X			X	
13		X			X		X				X	X		
14		X		X		X			X				X	
15		X		X			X				X	X		
16		X		X				X		X		X		
17	D/A-Block	X			X		X				X	X		
18		X		X				X		X		X		
19			X		X		X				X	X		
20			X		X	X			X				X	No muting
21			X		X			X		X		X		
22			X	X		X			X				X	One short mute
23			X	X			X				X	X		
24			X	X				X		X			X	No muting
25	B/C-Block		X		X		X				X	X		
26			X	X				X		X		X		
27		X			X			X		X		X		
28		X			X		X				X	X		
29		X			X	X			X				X	No muting
30		X		X				X		X			X	
31		X		X		X			X			X		No muting
32		X		X			X				X		X	

WCS-SDARS Demonstration
Test Matrix
July 28-29, 2009
Ashburn, VA